

TITLE 13 - DEPARTMENT OF SOCIAL SERVICES

Division 40 – Children's Division

Chapter 72 - Group Home Facilities

13 CSR 40-72.010 Group Homes Offering Residential Care

PURPOSE: Section 210.246, RSMo (1978), makes it unlawful for any person to establish or operate a residential care facility without having in full force a written license granted by the Missouri Children's Division. This rule establishes requirements which a group home must meet in order to qualify for a license. Group homes are small residential programs caring for twelve (12) or less children.

Legal Basis for Licensing

The Children's Division has responsibility for licensing those persons offering care to groups of children. The primary purpose of licensure is the protection of children. Sections 210.481 through 210.536, RSMo (1986) provide for the defining, licensing, inspection and regulation of group care for children. The law directs the Division to publish rules for the licensing of residential facilities and to assist the agencies, groups or individuals subject to licensing in meeting these requirements for group child care.

Definitions:

- a) "Child" means an individual who is under the age of eighteen (18), and the word "children" means more than one (1) such individual.
- b) "Person" is any individual, corporation, partnership, association, firm, agency or institution acting in concert regardless of the name used.
- c) "Director" is the director of the Children's Division.
- d) "Division" is the Children's Division.
- e) "License" is a legal document issued for a maximum of two (2) years to a person authorizing him/her to provide care for children, subject to his/her compliance with the law and applicable rules published by the Division.
- f) "Provisional license" means the non-renewable legal document issued by the Division, for a maximum of six (6) months, to a group home which is not currently meeting requirements for full licensure in accordance with sections 210.481 - 210.536, RSMo (1986) and applicable rules promulgated and issued by the Division.

- g) "Foster parent(s)" are individuals who provide twenty-four (24) hour care in their home to a group of children not related to them by blood, marriage or adoption.
- h) "Child care staff" means persons employed to provide care and supervision for the children in the group home.
- i) "Staff" means full-time and part-time employees other than foster parents and child care staff.
- j) Well-known religious orders, churches and religious organizations are defined as follows: A church, synagogue or mosque; an entity that would qualify for federal tax exempt status as a not-for-profit religious organization under Section 501(c) of the Internal Revenue Code of 1954; or an entity where the real property on which the child care facility is located is exempt from local taxation because it is used for religious purposes.

Types of care:

- a) Foster family group home: A private home of foster parents who provide twenty-four (24)-hour care for seven to twelve (7-12) children under the custody and supervision of the Division only. This type of care is not recommended for any child under the age of six (6) years;
- b) Independent foster family group home: A private home, independent of any agency auspices, of foster parents who provide twenty-four (24)-hour care for seven to twelve (7-12) children in the custody of parents, kinships, guardian or agencies. This type of care is not recommended for any child under the age of six (6) years;
- c) Satellite group home: A group home operated by a licensed child caring or child placing agency in a single dwelling or apartment owned, rented or leased by the agency. Child care staff are employed by the parent agency to provide twenty-four (24)-hour care for twelve (12) children or less. This type of care is not recommended for any child under the age of six (6) years; and
- d) Independent group home: A group home privately operated by a person in a single dwelling or apartment which is owned, rented or leased by the person. Child care staff are employed to provide twenty-four (24)-hour care for twelve (12) children or less. This type of care is not recommended for any child under the age of six (6) years.

When a non-religious organization, having as its principal purpose the provision of child care services, enters into an arrangement with a religious organization to provide continuing assistance in the maintenance or operation of a child care facility, the facility

is not under the exclusive control of the religious organization and does not qualify for exemption from licensure under sections 210.211(5) or 210.516.1(5).

Rules for Foster Family and Independent Foster Family Group Homes

Basic Requirements for Foster Families

Foster parents shall have personal characteristics and have experienced relationships which will make it possible for them to perform the responsibilities entailed in caring for children. Foster parents shall be individuals who demonstrate affection, an ability to care for children and to be responsive to their needs, who can enjoy being foster parents; who can accept the individuality of each child; who give of themselves without expecting immediate returns; who have satisfactory interpersonal relationships; who have emotional stability and are able to function in relation to family responsibilities and employment; who have maturity and good physical health to enable them to provide appropriate care for children; who have a reputable character, values and ethical standards conducive to the well-being of children; who show flexibility in their ability to change their expectations, attitudes and behavior in relation to the needs and problems of children; who show ability to help in meeting problems of family living; to recognize the need for and who have the ability to accept a child's relationship with his/her parents or a social agency or both.

The foster parent-child ratio shall be at least one to six (1:6).

Relationships between all members of the foster family shall be such as to assure a favorable influence and atmosphere for the children accepted for care.

There shall be agreement among the members of the foster family as to the advisability of the sharing of their home for twenty-four (24) hour care with a group of children not related to the family.

The foster family shall be economically self-sufficient.

At least three (3) non-related references shall attest to the characteristics, motivations and abilities of the foster family offering twenty-four (24) hour care to children.

All members of the foster family and employed staff shall pass a complete physical examination within six (6) months prior to application. Their physician shall provide a statement that each employee or member of the family is free from communicable disease. A TB test and/or chest x-ray shall be completed, if recommended by the physician.

All members of the foster family and employed staff must be determined by a physician to be in good physical and mental health. The licensing agency shall review the examination reports.

After initial licensure, a physical examination is required every two years. If the licensing agency has reason to question the physical or mental health of any member of the foster family or employed staff, the agency may require a mental or physical examination more frequently.

A foster family shall care for a maximum of twelve (12) children, including any children of the foster family. The number of children in residence at any given time shall not exceed the number for which it is licensed.

At least one (1) foster parent shall not be gainfully employed.

Care of the Child in the Group Home

Provision for any indicated services shall be made available to the children in the group home. Services include: family counseling; preventive and therapeutic medical services; psychological services; psychiatric services; remedial education; vocational counseling; recreation; and any other indicated social services.

Physical Care:

Responsibility for medical and dental care shall be negotiated between the placing agency and group facility before admission of the child to the group facility.

- a) Provision shall be made for the services of a licensed physician.
- b) Provision shall be made for hospital care when recommended by a physician.
- c) Provision shall be made for the correction or treatment of all remedial defects.
- d) Children shall have a complete physical examination, including any necessary tests or inoculations, immediately before admission and at least annually thereafter. Results of the physical examinations shall be on file in the group home.
- e) Children shall have annual dental examinations and any necessary correction of teeth or mouth shall be begun.
- f) First-aid equipment shall be readily available and foster parents shall be knowledgeable of its use.

Hygiene

A routine shall be established to insure good hygiene.

Nutrition:

- a) Food of good quality and quantity shall be served and meet Department of Health's dietary standards.
- b) All foods shall be from sources approved by the Department of Health. All milk shall be pasteurized.
- c) Nourishing between-meal snacks shall be provided and may be part of the daily food needs.
- d) A regular meal schedule shall be established.
- e) At all times food shall be prepared, served and stored under the conditions acceptable to Department of Health's rules.

Clothing:

- a) Clothing provided to children shall be of good quality and quantity.
- b) Clothing worn by children in group homes shall be similar to that worn by children in average homes in the community.
- c) Children should be allowed to participate in the selection of their own clothing.

Education:

- a) The group home shall observe the legal requirements regarding school attendance and child labor.
- b) Educational experience or appropriate training opportunities or both shall be made available to all children in group homes.

Moral and Religious Training

Children shall be given the opportunity to attend the church of their choice, subject to parental approval of the biological parents.

Discipline:

- a) Discipline shall be used in a constructive, fair and consistent manner.
- b) All discipline shall be reasonable and related to the individual needs and behavior of the child.

- c) No cruel or unusual forms of punishment shall be used; for example, no child shall be confined in any dark spaces.
- d) Corporal punishment shall not be used.
- e) Children shall not be deprived of meals as punishment.
- f) Children within the home are not permitted to discipline each other.

Recreation and Leisure

The group home shall provide for leisure time programs and activities.

Earning and Spending Money:

- a) Children shall be provided with opportunities for experience in earning or spending money or both based on age and individual requirements.
- b) Allowances shall be provided when opportunities to earn money are not available.

Supervision:

- a) Adult supervision shall be available at all times. When there are more than six (6) children in residence with only one (1) foster parent, there shall be a plan for an assistant to be on call if there is an emergency.
- b) It is recommended that the foster parents provide for relief help in order that they may have some time away from the children and for themselves alone. Meeting the constant demands in daily care in a group of children can be an exhausting and exacting business. Time off allows for rest and the ability to remain alert and responsive.

Transportation:

If children are transported in the foster family car, provision shall be made for proper insurance coverage. Safety locks on doors and a seat belt for each child should be provided.

Physical Facility

General requirements:

- a) The group home shall be in a neighborhood that is readily accessible to school, recreational, religious and other community resources. Suitable

indoor and outdoor play space shall be available to children of the appropriate age.

- b) All buildings and immediate surroundings used in whole or in part as a group home shall comply with all applicable state and local building, sanitation, zoning, fire and safety regulations.
- c) The group home shall be large enough to provide living accommodations for all residents and shall be suitably furnished and equipped.
- d) The group home shall be kept in sanitary condition and good repair.
- e) Safe water supply and sewage facilities shall be provided and shall comply with Department of Health's requirements.
- f) The home shall be effectively safeguarded against insects and rodents.
- g) Heating, electrical, ventilating and other mechanical systems, home appliances and outlets shall be designed and maintained so that under normal conditions of use, danger to the health and safety of the children from such equipment will be held to a minimum.
- h) All rooms shall be well lighted and ventilated.
- i) There shall be a minimum of two (2) toilets for the children, and one (1) tub or shower for each six (6) children. Separate bathing and toilet facilities should be provided for boys and girls where practical.
- j) Dining facilities shall be provided with space and equipment to serve all residents at the same time.
- k) The kitchen shall be equipped to provide for food preparation, storage and service.
- l) A telephone shall be provided with emergency instructions posted nearby for fire, police and medical assistance.
- m) The foster family shall have a plan for evacuation of the group home in case of fire. Written instructions for evacuation should be posted in a conspicuous place and fire drills shall be held monthly to assure efficient evacuation of the facility in case of emergency. Children shall be instructed in the evacuation plan at time of admission.

Sleeping rooms:

- a) Children of different sex shall not sleep in the same room.

- b) All sleeping rooms shall be outside rooms (must have a window for fire escape) and shall be above the lowest level of the ground.
- c) Each child shall have a separate bed with a space of at least three feet (3') on all sides of the bed except where it touches the wall.
- d) Third floor level sleeping quarters shall be prohibited.
- e) Sleeping rooms shall be so located that night supervision will be available at all times.
- f) Separate, accessible drawer space for personal belongings and closet space for clothing shall be available for each child.

Records and Reports:

- a) Records shall be kept to identify each child and to enable communication with the parents or person responsible for the child in the foster family group home and in an emergency situation. These shall include: child's name, birth date and the date of admission; full name of both parents, or person or agency responsible for the child, family's home address, work addresses, hours of work and telephone numbers; a written plan which outlines the steps necessary to obtain emergency care for the child and a written consent from the parent, person or agency responsible for the child giving permission to proceed with any routine and ordinary medical care; instructions for reaching the parent(s), guardian or agency; name, address and telephone number of the child's or family's physician or both; financial arrangements with the parents or others, including the rate of pay for care; record of all physical examinations, immunizations and other pertinent health information; and record of any accidents, illnesses or unusual situation.
- b) Reports to the Division shall be submitted as required.

MEMORANDA HISTORY: